

REMARKS/ARGUMENTS

I. Status of Claims

Claims 1-32 were originally filed. Claims 1-32 were subject to a Restriction Requirement. After response to the Restriction Requirement, claims 1, 3-27, and 29-32 are elected for prosecution. Applicants submit that claims 2 and 28 should also fall within Group III for the reasons listed in Section IV. Claims 1 and 2 are amended to correct typographical and punctuation mistakes. Claims 1, 2, 19, 21, 26-32 are amended to recite proper Markush groups. Claims 29-32 are amended to make the claims clear and concise. New claims 33-38 are added. New claims 33-38 are directed to particular species of Formulae III. No new matter has been added. Support for the claims may be found in the specification.

II. Response to the Restriction Requirement

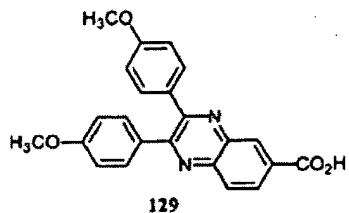
The claims are restricted into four groups. Applicants elect Group III for prosecution on the merits. The claims of Group III are drawn to a process of modulating an Edg-7 receptor mediated biological activity with phenyl compounds when X is C. In a telephone conference with Applicants' representative, Alok Goel, on June 1, 2006, the Examiner acknowledged that the election of X is C also encompassed the CH₂ group and the C=O group. Claims 1, 3-27 and 29-32 fall within Group III. Applicants submit that claims 2 and 28 should also fall within Group III. (See Section IV) New claims 33-38 also fall in Group III.

The election of the claims of Group III is made with traverse. The claims emerge from a common inventive concept; a process of modulating an Edg-7 receptor mediated biological activity with piperidine or pyridine compounds when X is N, a process of modulating an Edg-7 receptor mediated biological activity with pyran compounds when X is O, a process of modulating an Edg-7 receptor mediated biological activity with phenyl compounds when X is C, CH₂ and C=O and a process of modulating an Edg-7 receptor mediated biological activity with benzothio compounds when X is S. The Applicants respectfully submit that searching the process of modulating an Edg-7 receptor mediated biological activity with piperidine or pyridine compounds when X is N, the process of modulating an Edg-7 receptor mediated biological activity with pyran compounds when X is O, the process of modulating an Edg-7 receptor

mediated biological activity with phenyl compounds when X is C, CH₂ and C=O and the process of modulating an Edg-7 receptor mediated biological activity with benzothio compounds when X is S would not be an undue burden on the Examiner.

III. Response to the Election of Species Requirement

The Examiner has required the Applicants to elect a single species and a disease condition in which the identity of each claim element is explicitly set forth. Applicants elect compound 129 which is set forth below:



Applicants also elect cancer as the disease condition. Cancer includes but is not limited to ovarian cancer, peritoneal cancer, endometrial cancer, cervical cancer, breast cancer, colorectal cancer, uterine cancer, stomach cancer, small intestine cancer, thyroid cancer, lung cancer, kidney cancer, pancreas cancer and prostate cancer.

Applicants submit that pending claims 1, 3-27, and 29-32 and new claims 33-38 are readable on the elected species. Applicants submit that claims 2 and 28 should fall within the species election. (See Section IV).

Applicants respectfully submit that such elections are without prejudice and expressly reserve the right to prosecute the non-elected species and claims at a later stage.

IV. Claims 2 and 28 should be included in the Election of Group III and the Species Election

Applicants submit that claims 2 and 28 should be included in the Group III and the species election. In a telephone conference with Applicants' representative, Alok Goel, on June 1, 2006, the Examiner acknowledged that claims 2 and 28 should be included in Group III and the species election.

Claim 2 recites a phenyl compound in which X is C. Group III is drawn to a process of modulating an Edg-7 receptor mediated biological activity with phenyl compounds when X is C. Since claim 2 recites a phenyl compound in which X is C and Group III is drawn to phenyl compounds, Applicants respectfully submit that claim 2 should be included in Group III. Additionally, claim 2 is also readable on the elected species.

Moreover, Applicants submit all of the compounds in claim 28 recite phenyl compounds. Group III is drawn to a process of modulating an Edg-7 receptor mediated biological activity with phenyl compounds. Since claim 28 recites phenyl compounds and Group III is drawn to phenyl compounds, Applicants respectfully submit that claim 28 should be included in Group III. Additionally, claim 28 is also readable on the elected species.

Therefore, Applicants submit that claims 2 and 28 be included in Group III and in the species election.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,



Alok Goel (Reg. No. 51,745) on behalf of
Thomas D. Kohler (Reg. No. 32,797)

MORGAN, LEWIS & BOCKIUS, LLP
Two Palo Alto Square
3000 El Camino Real, Ste. 700
Palo Alto, CA 94306
Tel. (415) 442-1000
Direct Dial: (415) 442-1433
eFAX: (650) 843-4001
e-mail: agoel@morganlewis.com